

ANNUAL CIVIL RIGHTS TRAINING

***A YEARLY GUIDELINE
FOR PROTECTING
THE CIVIL RIGHTS
OF WIC PARTICIPANTS***

**LOUISIANA WIC PROGRAM
2002**



TABLE OF CONTENTS

Table of Contents.....	2
Welcome!.....	4
About This Guide.....	4
Introduction.....	5
Objectives.....	5
I. Civil Rights.... It’s the Law	
Background.....	6
Civil Rights Legislation	7
WIC Program and Civil Rights.....	7
II. Learning Activity 1	
.....	8
III. Some Common Terms Related to Civil Rights	
Let’s talk Concepts.....	9
Learning Activity 3	
Name that Civil Rights Concept.....	11

IV. Louisiana WIC Program’s Civil Rights Policy
 Nondiscrimination Statement.....12
 Public Notification Requirements.....12
 WIC Complaint Notice.....13
 Non-English Speaking Participants.....13
 Outreach Materials Requirements.....14
 Collection of Racial and Ethnic Data.....15
 Racial/Ethnic Categories.....16
 Civil Rights Complaint Procedures.....16-17
 Non-Civil Rights Complaints.....17

Louisiana WIC Program’s Civil Rights Policy
 Confidentiality Issues.....18
 Management Evaluations.....18

V. Learning Activity 3
 Civil Rights Quiz.....19

VI. Appendix.....21-23

VII. Answers to Learning Activities.....24-25



WELCOME.....

Welcome to our self-paced learning module for your Annual Civil Rights Training. This method of learning allows you, the learner, to move at your own pace within a certain time frame. This means that any time you wish to go back to review a section, you may.

The sections of this **SELF-PACED MANUAL** contain information about civil rights topics. At the end of each section there is a learning activity for you to complete. These activities are designed as fun exercises for helping you to understand the information you have been provided. The answers to these activities are located on the last page of this module.



Civil Rights Intro....

The Bill of Rights were the first civil rights laws

Did you know that civil rights laws have been around as long as the Constitution of the United States? They began when the first 10 amendments of the Constitution were ratified by the 13 original states. These amendments were known as the Bill of Rights. They are part of our core beliefs and part of who we are as a nation.

Civil Rights Training: The Purpose

The purpose of this training is to provide information to aid in protection of the Civil Rights of our applicants and to provide guidance in the fair administration of the Special supplemental Nutrition Program for Women, Infants and Children (WIC).

The USDA Food and Nutrition Service (FNS) mandates that Civil Rights training be conducted **annually** to inform and update state and local agency staff of their obligations under the Civil Rights laws and regulations. **New Employees** are also required to complete this Civil Rights Training Module within **1 month** of the start date of their employment. Documentation of both the Annual and New Employee training will be evaluated by the Federal and State Management Evaluations.

OBJECTIVES

At the completion of the Civil Rights training you will be able to:

- ✍ **Describe some of the laws and regulations related to Civil Rights**
- ✍ **Identify the Louisiana Office of Public Health WIC Program non-discrimination clause**
- ✍ **Describe the correct procedures for the required public notifications on Civil Rights that must be present in the clinic and provided to each client upon request**
- ✍ **Explain the correct procedures for collection of racial and ethnic data**
- ✍ **Describe the required steps for handling applicant complaints**
- ✍ **Address the confidentiality of client information**

Materials you will need:

WIC Policy Manual: Chapter 5 "Civil Rights, Complaints and Fair Hearings"
Chapter 9 "Determination of Eligibility"



Civil Rights Background: It's the Law!!!

Our basic civil rights laws were part of the Constitution's first 10 amendments known as the Bill of Rights. An individual's "civil rights" in the United States include, but are not limited to..

The Right to Practice a Religion Freely

The Right to be Free from Discrimination

The Right to Privacy

The Right to Travel Freely

The Right to Free Speech

The Right to Assemble Peacefully

The Right to Express Opinions Against the Government

What does Webster have to say?

According to Webster's New World Dictionary, Civil Rights are...
"Those rights guaranteed to the individual by the 13th, 14th, 15th, and 19th amendments to the Constitution of the United States and by other acts of Congress which especially includes the right to vote, exemption from involuntary servitude, and equal treatment of all people with the respect to the enjoyment of life, liberty and property and to the protection of law"



ACTing on Behalf of Your Civil Rights...

When the term “civil rights” is used, we often think of the late Dr. Martin Luther King Jr. and the civil rights movement of the 1960’s which was largely about guaranteeing African-Americans the same opportunities as all other U.S. citizens. As a result of this movement and other movements and citizens efforts that were to follow, key Civil Rights’ legislation was formed to become the civil rights laws that govern our program today. Some of these include but are not limited to the following:

Title VI of the Civil Rights Act of 1964

Title IX of the Education Amendments of 1972 which prohibits discrimination based on sex (gender)

Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination based on disability and ensures access to programs and activities receiving federal financial assistance

Age Discrimination Act of 1975 that prohibits discrimination based on age in programs and activities receiving federal financial assistance (does not address employment).

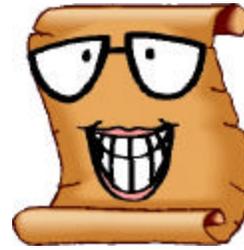
Americans with Disabilities Act of 1990 that prohibits discrimination on the basis of disability in employment, public services transportation, public accommodations and telecommunication services.

Civil Rights Restoration Act of 1987- Clarified the intent of Congress to include all programs and activities of Federal-aid recipients, sub-recipients and contractors to prevent discrimination on the basis of race, color, national origin, sex, age and handicap and/or disability.

WHY WIC?

What does all of this have to do with WIC?

The United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) and the Louisiana WIC Nutrition Program are committed to assuring that WIC Services are guided, in part, by Title VI of the 1964 Civil Rights Act. Title VI states that “no person in the United States shall be discriminated against on the grounds of race, color or national origin, sex, age, religion or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.



LEARNING ACTIVITY 1

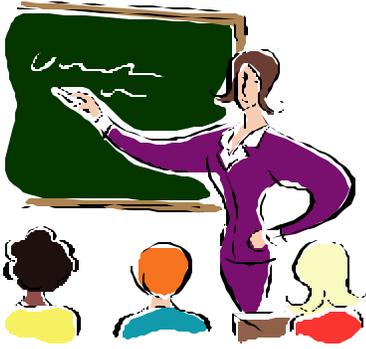
Match the number in first column to the the correct letter in the second column in the quiz box below.

The correct answers can be found on page 24 of the training module.

How did you do? If you had a little trouble, please review the section “Civil Rights Background: It’s the Law.”

1. Civil Rights law that guides the WIC Program	A. Prohibits discrimination based on sex (gender)
2. Constitution’s first 10 amendments	B. Expects WIC services to be provided to applicants as guided by the Title VI of the 1964 Civil Rights Act.
3. Clarified the intent of Congress to prevent discrimination in all programs	C. Prohibits discrimination based on handicap or disability
4. Title IX of the Education Amendments of 1972	D. Civil Rights Restoration Act of 1987
5 U.S. Department of Agriculture (USDA) Food & Nutrition Services (FNS)	E. The Bill of Rights
6. Americans with Disabilities Act of 1990	F. Title VI of the Civil Rights Act of 1964
7. Section 504 of the Rehabilitation Act of 1973	G. Prohibits discrimination on basis of disability in employment

1. _____ 4. _____ 7. _____
 2. _____ 5. _____
 3. _____ 6. _____



Some Common Terms Relating to Civil Rights: Let's Talk Concepts

There are certain terms that we tend to hear over and over when we discuss the protection or the violation of civil rights. In the WIC program, when we talk about civil rights we are talking about providing services free from discrimination to all eligible persons. But before we can achieve this, we must first be familiar with some basic definitions.

STEREOTYPING

This is the preconceived or oversimplified generalization involving beliefs about a particular group. These generalizations may either be positive or negative.

For example, we may believe that all breastfeeding WIC moms are very caring and nurturing mothers. That is a positive stereotype.

On the other hand, we may believe that some of our clients who are consistently unemployed are all lazy and are just “using the system to get by”. This would be an example of a negative stereotype. Negative stereotypes are frequently the foundation of prejudice.



STEREOTYPING: The Danger

The danger of stereotyping is that it ignores people as individuals and categorizes them as members of a group who supposedly think and behave in the same way. We may pick up these stereotypes from what we hear other people say, what we read, and what people around us believe.

Which brings us to the next concept...

PREJUDICE

Prejudice describes a set of rigid and unfavorable attitudes toward a particular group that is formed without considering facts

Prejudice is a learned concept. People are not born with prejudices but acquire them as they go through life. For example, we may have learned attitudes about certain groups of people who we have rarely been around or we may form attitudes about an entire group based on our interactions with one person or a small group of people.

And now for the final concept...

DISCRIMINATION

The practice of treating persons differently because we have grouped them in our minds according to our prejudices.

Discrimination often involves keeping people out of activities or places because of our prejudice against a group we've assigned them to. For example, if we treat some people with less respect or deny them certain things because they belong to a certain group, this could be called discrimination.

"If we cannot now end our differences, at least we can help make the world safe for diversity."

John F. Kennedy (1917-1963)





Learning Activity 2

Let's Play....NAME THAT CIVIL RIGHTS CONCEPT!!!

Can you determine if the following clinic scenarios are examples of Stereotyping, Prejudice or Discrimination? Answers are on the last page of this training module. Good Luck!!!

- A. Ms. Brown, a WIC Nutritionist, told Ms. Betty, a nurse, that she has a really hard time at her clinic because most of her WIC moms live in the “projects” and are usually irresponsible and negligent toward their children. What is her attitude a reflection of?
- B. Mr. Illman, the Nursing Supervisor at the Somewheres Health Clinic gave the WIC Clerk specific orders to place all of the WIC clients who were unemployed on a waiting list. He said since they were too lazy to go out and get a job, they will just have to wait for their WIC benefits. His action is an example of which civil rights concept?
- C. Ms. Iggottanattitude, a WIC client, noticed that a teenage girl wearing a jacket from one of the local high schools had taken a seat in the waiting room. Ms. Iggottanattitude quickly whispered to her friend beside her that she had better watch her purse since she heard that the girls from that same high school were always being arrested for shoplifting at the mall. What concept is her statement an example of?
- D. In a predominately Hispanic community, a new WIC client transferred in. The new client is not Hispanic and does not speak Spanish. The new client comes in for her WIC appointment on a very busy day at the clinic. The client signs in and takes a seat in the waiting room. Staff busily tend to all other scheduled clients, even persons who are late for the Nutrition Education session before they get around to processing her. The treatment of the new client is an example of which civil rights concept?

The Louisiana WIC Program's Civil Rights Policy

WIC Policy and Procedure Manual: Chapter 5

The Louisiana WIC Civil Rights policy can be found in Chapter 5 titled “Civil Rights, Complaints, and Fair Hearings” of the WIC Policy and Procedure Manual. Your civil rights training will include those procedures that deal with the issues of protecting the civil rights of WIC applicants and the correct methods of handling civil rights complaints.

Louisiana WIC Nondiscrimination Statement

The Louisiana Office of Public Health WIC Program provides WIC benefits without regard to race, color, national origin, age, sex or disability.

This means that on the basis of race, color, national origin, sex, age and disability, no individual will be:

1. Denied service or other benefits provided under the program.
2. Provided any service or benefits in a different manner from that provided to others under the program.
3. Subjected to segregation or separate treatment in any matter related to receipt of services under the program.
4. Restricted in the enjoyment of any advantage or privileges enjoyed by others receiving services under the program.
5. Treated differently from others in the determination of enrollment, admission or eligibility for any services or other benefits under the program.

Notification Requirements (WIC Policy 5.1)

The And Justice For All Poster

The USDA poster “And Justice for All” is the most highly recognized form of Public Notification of the Nondiscrimination Policy. All clinics are required to display this poster in a highly visible area in their waiting rooms.

WIC Complaint Notice

The Office of Public Health WIC Complaint Notice is required to be displayed in the same area as the “And Justice for All” poster. The WIC Complaint Notice gives instructions on where to obtain a complaint form and how to file a civil rights complaint. A copy of the WIC Complaint and Appeal form must be also be displayed in the same area as the WIC Complaint Notice.

Copies of these two forms may be found in the pages following this manual.



Remember:

The staff is responsible for reading the “And Justice For All” poster and the Office of Public Health WIC Complaint Notice to individuals who are unable to read.

The WIC applicant must always have accessibility to the “And Justice and for All” poster, The Office of Public Health WIC Complaint Notice and The WIC Complaint and Appeal Form. Failure to display these as instructed will result in a corrective action on your clinic’s yearly Management Evaluation (ME).



Non-English Speaking Participants (WIC Policy 5.1.1)-

The Louisiana Office of Public Health contracts with the ATT Language Line Service to provide translation in the appropriate language for non-English speaking participants. The number for this service is 1-800-874-9426. Our access number is 505012 and organizational department number is 7630.

The information from the "And Justice For All " poster and the WIC Complaint Notice must be translated for all non-English speaking participants.

Appropriate bilingual services and/or program materials available to limited or non-English communicating persons will assure equal opportunity for participation in the program by eliminating communication or information barriers.



OUTREACH (WIC Policy 5.7)

Outreach materials include all information sheets, brochures, publications, posters, and public announcements that inform the public about the WIC Program, benefits or eligibility criteria. Any materials that are considered as Outreach must contain the following nondiscrimination statement.

In accordance with Federal Law and the U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability.

To file a complaint of discrimination, write:

USDA

Director of Civil Rights

Room 326-W

Whitten Building

1400 Independence Avenue, SW

Washington, DC 20250-9410

Or call (202) 720-5964 (Voice and TDD)

USDA is an Equal Opportunity Provider and Employer

If the material is too small to permit the full statement, then the material will include at the minimum the statement, “this institution is an equal opportunity provider.”

The nondiscrimination statement will be located on the material in a prominent place in bold print and in print size no smaller than the text.

Nutrition Education and Breastfeeding Support Materials

Nutrition education and breastfeeding promotion and support materials that provide a nutrition message with no mention of the WIC program are not required to contain the nondiscrimination statement.



COLLECTION OF RACIAL AND ETHNIC DATA

The USDA mandates the Louisiana WIC Program collect racial and ethnic participation data as a means of assessing nondiscrimination.

Racial/ethnic data is required for each applicant/participant at the time of certification.

Rules for Racial/Ethnic Data Collection

Visual identification can be used to determine an applicant/participant's racial and ethnic category.

An applicant/participant may be included in the group to which he/she appears to belong, identifies with, or is regarded in the community as belonging. Staff may ask applicants/participants to self identify their racial group if it is uncertain.

Make sure the client understands that collection of the racial/ethnic data is strictly for statistical reporting requirements and has no effect on the determination of their eligibility to participate in the WIC program.

PASPORT Racial/Ethnic Data Collection (Chapter 9.15)

All Racial/Ethnic information for WIC applicants/participants is documented in the **PASPORT** system.

LEARNING ACTIVITY-

Please read chapter section 9.15 in the WIC Policy Manual containing information on the documentation of racial/ethnic data into the PASPORT registration screen.



Racial/Ethnic Categories

The PASPORT system requires that racial/ethnic categories be used to document the racial/ethnic information of the individual applicant. The following categories must be used:

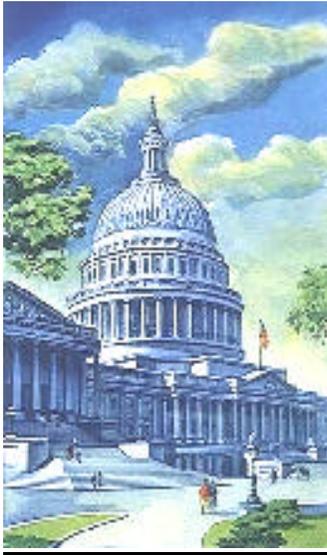
American Indian or Alaskan Native	A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition (includes Aleuts and Eskimos).
Asian or Pacific Islander	A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa
Black	(Not of Hispanic Origin) A person having origins in the black racial groups of Africa.
Hispanic	A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish Culture or origin regardless of race
White	(Not of Hispanic Origin)- A person having origins in any of the original peoples of Europe, North Africa or the Middle East.

CIVIL RIGHTS COMPLAINT PROCEDURE

All complaints that occur in the WIC clinic will be filed in one of two categories. These categories include (1) Civil Rights Complaints and (2) Non-Civil Rights Complaints.

Civil Rights Complaints (Chapter 5.6.B)

All clients have a right to file a complaint alleging discrimination based on race, color, national origin, sex, age or disability within 180 days of the alleged discriminatory action.



Rules for Handling Civil Rights Complaints:

- ✍ All civil rights complaints, whether verbal or written, shall be accepted and forwarded to the USDA and a copy forwarded to the WIC Central Office within 10 calendar days of initial receipt.
- ✍ All civil rights complaints should be documented using the WIC Complaint and Appeal Form, but shall not be a prerequisite for acceptance of a complaint.
- ✍ Civil Rights Complaints are sent to:
USDA
Director of Civil Rights
Room 326 – W
Whitten Building
1400 Independence Avenue, SW
Washington, DC 20250-9410
- ✍ Complaints may be submitted in writing or be taken over the phone. Regardless of the form received (either verbal or written) and regardless if they are anonymous, they are to be processed and sent to the USDA.
- ✍ Complaints that are taken verbally from a complainant should be documented by WIC staff on the WIC Complaint and Appeal Form.
- ✍ The WIC Director will track and record the closure of Civil Rights complaints.
- ✍ A copy of the Civil Rights complaint and the resolution must be maintained in the WIC Central Office, at the site of occurrence, and another copy forwarded to the OPH Regional Administrator.



Non-Civil Rights Complaints (WIC Policy 5.6, A)

All other complaints that do not include civil rights issues shall be processed and resolved by the WIC Director and the WIC Central Office. Any applicant complaint must be acknowledged within 14 days and resolved within 45 days of receipt.

The original complaint form must be sent to the following address:

Debra Luthy
WIC Program Director
Nutrition Section Room 406
PO Box 60630
New Orleans, Louisiana, 70160

Original complaints and the resolution must be maintained in the WIC Central Office.

A copy of the complaint and the resolution must be maintained at the site of occurrence and another copy forwarded to the OPH Regional Administrator.

Benefit Appeal/Fair Hearing Procedure (WIC Policy 5.7 - 5.7.2)

WIC Applicants have a right to request a fair hearing if they have been:

- ✍ Denied Benefits
- ✍ Terminated
- ✍ Suspended
- ✍ Required to make a cash repayment for excessive benefits received

A hearing request may be made by completing and submitting the "WIC Complaint and Appeal Form" which must be located at each clinic. A request for a fair hearing is any clear expression by the applicant/participant, or their parent, caretaker, or representatives, that he or she desires an opportunity to present his or her case to a higher authority.

All requests must be mailed to the WIC Director at the WIC Central Office.

The WIC Director reviews all eligibility decisions prior to a formal hearing using an administrative complaint process.



Confidentiality Issues

All WIC information whether provided by applicants and participants or observed by WIC staff is considered confidential and is protected by federal regulations. This includes:

1. All information in a participant's file
2. Time and date that a participant was at the WIC Clinic
3. Any aspect of the appearance or apparent condition of person's attending the WIC clinic.

This information may only be given to Child Protective Services in suspected child abuse or neglect cases. Disclosure of any information about a WIC participant to an individual or other agency is strictly prohibited and must be subpoenaed under court order.

WIC staff or any other employee of OPH is not to access or use confidential information about WIC participants for personal or unofficial reasons.

MANAGEMENT EVALUATIONS

Civil Rights training documentation is maintained at each WIC site and is reviewed during each Management Evaluation and self-evaluation. The documentation must include:

- Date of Training
- Name and Title of Person(s) Presenting the Training
- Outline of Training
- Name and Title of Staff Attending

All WIC sites must have a Civil Rights Compliance Review conducted as a part of regularly scheduled Management Evaluations. A copy of this review is included in the back of this module.



Learning Activity: Quiz Time!!!

Please complete the following true/false quiz. The answers are on the last page of your module. Good Luck!!

1. Discrimination is any distinction of one person or a group of persons from others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, national origin, age, sex or disability.
T F
2. Title VII of the Civil Rights Act of 1967 and other authorities are the current Civil Rights Laws and Regulations governing the WIC Program.
T F
3. If the complainant refuses to complete a complaint form concerning an alleged Civil Rights infraction, there is no need to report the complaint.
T F
4. Failure to apply the same eligibility criteria to all applicants seeking participation in the WIC Program can be considered discrimination.
T F
5. Segregation of persons in clinic waiting rooms or through the appointment system is not considered discrimination.
T F
6. Issuance of food instruments or delivery of foods in place, time, or manner that results in, or has the effect of, denying or limiting the benefits on the basis of race, color, national origin, age, sex or disability is considered discrimination
T F
7. Allegations of discrimination are not to be taken seriously unless the staff thinks it is serious.
T F

8. It is okay to talk to a client about another client as long as they are good friends.
T F
9. You may hang the “And Justice for All” Poster anywhere in the clinic you can find a space for it, as long as it’s displayed somewhere.
T F
10. Civil Rights complaints should first be sent to the WIC Central office for review before they are sent to the USDA.
T F
11. Outreach materials informing the public about the WIC program do not require the nondiscrimination statement be printed on them.
T F
12. If an interpreter is not available for a non-English speaking applicant, then that person should be rescheduled on a day that an interpreter is available.
T F
13. An annual civil rights training is required for all WIC employees.
T F
14. Chapter 6 of the Louisiana WIC Policy and Procedure Manual contains the policies on “Civil Rights, Complaints, and Fair Hearings”.
T F
15. If a lawyer asks for information about a WIC client, you are required to give them what he/she asks for.
T F



Congratulations, you've completed the Civil Rights Learning Module! Please don't forget to check for the correct answers to the Learning Activities using the answer sheet in the back of this module. Thanks.

Appendix A.

WIC Complaint Notice

Appendix B

WIC Complaint Form

Appendix C

WIC Program Civil Rights Compliance Review

Answers to Learning Activities

Learning Activity 1:

1. ___F_____

2. ___E_____

3. ___D_____

4. ___A_____

5. ___B_____

6. ___G_____

7. ___C_____

Learning Activity 3: Name that Civil Rights Concept

1. Stereotyping- It's a preconceived or oversimplified generalization involving beliefs about a particular group.
2. Discrimination. Describes action where persons are treated differently and have been grouped according to prejudices.
3. Prejudice. Prejudice describes a set of rigid and unfavorable attitudes toward a particular group that is formed without considering facts.
4. Discrimination. The practice of treating persons differently because we have grouped them in our minds according to our prejudices.

Answers: True/False Quiz

- 1. True: This is the USDA/FNS definition of discrimination.**
- 2. False: It's Title VI of the Civil Rights Act of 1964.**
- 3. False: All civil rights complaints whether verbal or written must be documented and sent to the USDA for investigation. The person who receives the verbal complaint is responsible for the appropriate documentation and processing of the complaints.**
- 4. True: No individual will be treated differently from others in the determination of enrollment, admission, or eligibility for any services or other benefits under the program.**
- 5. False**
- 6. True**
- 7. False: Matters of alleged discrimination are very serious and may subject the the State Agency to legal actions.**
- 8. False: Disclosure of any information about a WIC participant to an individual or other agency is strictly prohibited and must be subpoenaed under court order.**
- 9. False: The "And Justice and for All" poster must be displayed in the clinic's waiting area.**
- 10. False: While a copy should be forwarded to the WIC Central Office for review, all civil rights complaints must be sent to the USDA/Office of Minority Affairs for investigation within 10 days of receipt.**
- 11. False: Any outreach materials that disseminate WIC program information to the general public particularly such groups as minorities and minority organizations must also contain the nondiscrimination statement.**
- 12. False: Non-English speaking applicants should never be rescheduled or turned away from a WIC clinic due to the unavailability of an interpreter. If an interpreter is not present during a WIC visit, then the ATT Language Line Service at 1-800-874-9426 to provide translation in the appropriate language.**
- 13. True**
- 14. False: Chapter 5 is the Civil Rights Chapter**
- 15. False: Again, a subpoena is required in order to release any information to any other persons or organizations. The only case where you would not need a subpoena is when possible child abuse/neglect must be reported to Child Protective Services.**